

E-filed 9/24/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SANDISK CORPORATION,

Plaintiff,

v.

LUCENT TECHNOLOGIES, INC., et al.,

Defendants..

Case Number C 07-3618 JF (RS)

ORDER¹ (1) GRANTING
DEFENDANTS' MOTION FOR STAY
NUNC PRO TUNC TO MARCH 14,
2008; (2) VACATING PENDING
MOTIONS; AND (3) SETTING CASE
MANAGEMENT CONFERENCE

[re: docket nos. 22, 31, 36]

On February 15, 2008, the Court heard oral argument on Defendants' motion to dismiss the action without prejudice or, in the alternative, to stay the action pending disposition of the appeal in *Lucent Technologies, Inc. v. Gateway, Inc.*, appellate case number 2007-1546 ("the *Microsoft* action"). The Court intended to issue an order granting the motion for stay in March 2008, but due to a ministerial error the order was not filed. The Court hereby grants the motion for stay *nunc pro tunc* to March 14, 2008. It does not appear that the parties will be prejudiced by the instant order granting the stay *nunc pro tunc*, as the docket reflects that there has not been

¹ This disposition is not designated for publication in the official reports.

any activity in the case since March 10, 2008 with the exception of a May 12, 2008 notice that Defendants' counsel had changed its firm name. The stay is particularly appropriate given that a decision from the Federal Circuit in the *Microsoft* action likely is imminent.

In light of the Court's decision to grant the stay, the Court will vacate the parties' pending motions filed at docket numbers 31 and 36. If appropriate, those motions may be renoticed following disposition of the *Microsoft* appeal.

A Case Management Conference will be set for November 21, 2008. If the *Microsoft* decision has not yet issued, the parties may file a joint stipulation to continue that Case Management Conference for thirty days.

ORDER

- (1) Defendants' motion for stay is GRANTED *NUNC PRO TUNC* to March 14, 2008;
- (2) The parties' pending motions filed at docket numbers 31 and 36 are VACATED; if appropriate, those motions may be renoticed following disposition of the *Microsoft* appeal;
- (3) A Case Management Conference is set for November 21, 2008 at 10:30 a.m.

DATED: 9/24/08


JEREMY FOGEL
United States District Judge

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